

Coleman Young, Esq.
TEMPLETON, SMITHEE, HAYES
HEINRICH & RUSSELL, L.L.P.
320 S. Polk, Suite 1000
P. O. Box 15010
Amarillo, Texas 79105
(806) 324-0324 – Telephone
(806) 379-8568 – Telecopy

ATTORNEY FOR RANDI L. CRUM

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:	§	
	§	
RALPH LYLE CRUM,	§	CASE NO.2-08-20297-RLJ-7
	§	Hearing Set for September 11, 2008
DEBTOR.	§	at 1:30 p.m.

RANDI L. CRUM'S OBJECTIONS TO DEBTOR'S CLAIMED EXEMPTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Randi L. Crum, a creditor and party in interest in the above referenced bankruptcy proceeding and files this her Objections to Debtor's Claimed Exemptions. In support of these objections Randi Crum would show the Court as follows:

1. Debtor filed for relief under Chapter 7 of the United States Bankruptcy Code on May 30, 2008.
2. This Court has jurisdiction over the subject matter of this Objections pursuant to 28 U.S.C. § 1334. The matter is core pursuant to 28 U.S.C. § 157(b)(2)(B).
3. Debtor has claimed his exemptions under Texas Law.
4. The Debtor has claimed a \$10,000 exemption in furniture and furnishings located at 25 Fenton Hill Road, Weston, Connecticut, and a \$20,000 exemption in a bronze sculpture Sun and

Moon, located at 25 Fenton Hill Road, Weston Connecticut. However, on April 8, 2008, the Memorandum of Decision of the Superior Court, Judicial District of Stanford, in Cause No. FST FA 06 4010407, styled *Randi Crum v. Ralph Crum*, provided that the Plaintiff, Movant here, was to “retain all the remaining assets in her name as her sole property **as well as the contents of the Weston Home.**” A copy of this Memorandum is attached as an exhibit hereto. Therefore, the Debtor has no interest in the household furniture and furnishings or the Bronze sculpture on which to make a claim of exemption, and that exemption should be denied.

5. The Debtor has claimed exemptions in household furniture and furnishings of \$10,000; a bronze sculpture of \$20,000; wearing apparel of \$100; furs and jewelry (movado watch) of \$800; Group Sama Internacional IRA of \$254,902.04; a Fidelity Retirement Account of \$38,080.64; Wachovia SEP-IRA of \$79.58; Proceeds of a Fidelity IRA of \$11,000; and a 2004 Jeep Wrangler of \$11,120.00. These exemptions are claimed under Texas law, Texas Property Code §§ 42.001, 42.002, and 42.0021. However, under § 42.005 of the Texas Property Code, sections 42.001, 42.002 and 42.0021 “do not apply” to exempt property from any “child support lien established under Subchapter G, Chapter 157, Family Code.” The Debtor owes, and will owe in the future, child support obligations to the Movant on behalf of their children, and liens may be obtained in support of those obligations. Therefore, any claim of exemption of the property set forth above must be limited so that it is clear that the exemption is not effective against any present or future “child support lien” enforcing child support obligations of the Debtor to the Movant and their two children.

WHEREFORE, PREMISES CONSIDERED, Movant prays that upon hearing the Court will deny and limit the exemptions claimed by the Debtor as set forth above.

Respectfully submitted,

/s/ Coleman Young

Coleman Young
State Bar No. 22174200
TEMPLETON, SMITHEE, HAYES,
HEINRICH & RUSSELL, L.L.P.
320 S. Polk, Suite 1000
P. O. Box 15010
Amarillo, Texas 79101
Telephone No. 806/324-0324
Telecopy No. 806/379-8568

ATTORNEY FOR RANDI L. CRUM

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument was served upon the following this 7th day of August, 2008, addressed as follows:

Mr. Van Northern NORTHERN LAW FIRM 112 W. 8 th Street, Suite 400 Amarillo, Texas 79101	Via Electronic Notice <input checked="" type="checkbox"/> Certified Mail, Return Receipt Requested <input type="checkbox"/> United States Regular Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Via Facsimile Transmission <input type="checkbox"/> Via Hand-Delivery <input type="checkbox"/>
Mr. Kent David Ries 600 S. Tyler, Suite 1300 Box 12058 Amarillo, Texas 79101	Via Electronic Notice <input checked="" type="checkbox"/> Certified Mail, Return Receipt Requested <input type="checkbox"/> United States Regular Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Via Facsimile Transmission <input type="checkbox"/> Via Hand-Delivery <input type="checkbox"/>
United States Trustee 1100 Commerce Street, Room 976 Dallas, Texas 75242-1496	Via Electronic Notice <input checked="" type="checkbox"/> Certified Mail, Return Receipt Requested <input type="checkbox"/> United States Regular Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Via Facsimile Transmission <input type="checkbox"/> Via Hand-Delivery <input type="checkbox"/>

/s/ Coleman Young

Coleman Young